REMARKS

Claims 1-9, 11-19 and 21-29 are all the claims pending in the application. In this Amendment, Applicant amends claims 5, 15 and 25. No new matter is added.

Claim rejection under 35 U.S.C. § 112, second paragraph

Claims 5, 15 and 25 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant traverses the rejection as follows.

In view of the amendment to claims 5, 15 and 25 submitted herewith, Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. § 112, second paragraph rejection of these claims.

Claim rejection under 35 U.S.C. § 103

Claims 1, 4-6, 11, 14-16, 21 and 24-26 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Aweya et al. (U.S. Patent 6,690,645; hereinafter "Aweya") in view of Sisto (U.S. Publication No. 2008/0212965; hereinafter "Sisto").

Claims 2, 7-9, 12, 17-19, 22 and 27-29 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Aweya in view of Sillasto et al. (U.S. Publication No. 2005/0063304; hereinafter "Sillasto").

Claims 3-9, 13-29 and 23-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Aweya and Sisto in view of Sillasto.

Applicant traverses the rejection for at least the following reasons.

Claim 1

Claim 1 recites, *inter alia*, "a step of calculating a receivable amount so that the receivable amount comprises smaller than empty data amount being calculated from the data amount." Applicant respectfully submits that Aweya and Sisto do not teach or suggest this feature of claim 1 for at least the following reasons.

Aweya discloses that an inter-drop/mark value, representing a number of packets to be accepted into the queue between dropped or marked packets, is generated as a function of the drop probability value and admission of the packet to the queue or marking of a packet is controlled in response to the inter-drop/mark value (column 3, lines 5-10). Sisto discloses subtracting the size of outstanding data from the unfilled space of the corresponding FIFO queue to calculate available space in the receiver buffer (paragraph [0023]). However, neither of the references considers using different TCP sessions for the input and output of the session relaying apparatus. For this reason, in the technology of these cited references, control which sets up the receivable amount of data notified from the transmission terminal as upper limit is same as the first problem described in page 6, line 3 to page 7, line 6 of the original specification, thereby that effect is restrictive compared with the claimed features.

In particular, Aweya and Sisto do not teach or suggest "a step of calculating a receivable amount so that the receivable amount comprises smaller than empty data amount being calculated from the data amount."

Furthermore, Aweya and Sisto do not teach or suggest "a step of informing the data transmission terminal of the receivable amount." That is, the cited references to not teach or

suggest notifying the amount of data which can receive with the relaying apparatus to the data transmission terminal.

For instance, in Aweya, the data transmission terminal grasps that the packet stored in the data storing unit (queue) of the relaying apparatus is increased more than reference value (column 10, lines 30-44). However, the data transmission terminal does not grasp the receivable amount of the relaying apparatus, but determines the amount of data transmission by its own decision. That is, Aweya is completely silent about calculating and informing the amount of data which can be received by the relaying apparatus to the data transmission terminal. Therefore, in Aweya, since the data transmission terminal is not informed of the receivable amount, the data transmission terminal may decrease the amount of data transmission beyond necessity, when a drop/mark probability value is received. As a result, in Aweya, the throughput of communication between the data communication terminal and the relaying apparatus may drop beyond necessity. For at least these reasons discussed above, Aweya does not teach or suggest "a step of informing the data transmission terminal **of the receivable amount**."

In view of the above, Applicant respectfully submits that claim 1 is patentable over the cited combination of references.

Claims 11 and 21

Applicant respectfully submits that claims 11 and 21 recite features analogous to claim 1, and therefore are patentable for at least the same reasons discussed above with regard to claim 1.

Claim 2

Claim 2 recites, *inter alia*, "a step of measuring time while a data storing unit is empty; a step of judging whether a transmission amount is reduced or not, based on the time and a network situation relating to throughput for a data transmission, and a step of determining a transmissive amount based on the judgment." Applicant respectfully submits that Aweya and Sillasto do not teach or suggest these features of claim 2 for at least the following reasons.

Aweya merely discloses that the relaying apparatus calculates a drop/mark probability value (column 2, lines 49-53), but does not teach or suggest the amount of the packet (data) transmitted from the relaying apparatus. Moreover, in column 5, lines 4-67 cited by the Examiner, the amount of data which the relaying apparatus transmits (i.e., "transmission amount") is not described at all. Other portions of Aweya and Sillasto also do not teach or suggest "judging whether a transmission amount is reduced or not, based on the time and a network situation relating to throughput for a data transmission," and "determining a transmissive amount based on the judgment."

In view of the above, Applicant respectfully submits that claim 2 is patentable over the cited combination of Aweya and Sillasto.

Claims 12 and 22

Applicant respectfully submits that claims 12 and 22 recite features analogous to claim 2, and therefore are patentable for at least the same reasons discussed above with regard to claim 2.

Claim 3, 13 and 23

To the extent claims 3, 13 and 23 recite features analogous to claims 1 and 2, claims 3, 13 and 23 are patentable for at least the same reasons discussed above with regard to claims 1 and 2.

Claims 4-9, 14-19 and 24-29

Claims 4-9, 14-19 and 24-29 are the dependent claims of one of claims 1-3, 11-13 and 21-23, and therefore it is believed that claims 4-9, 14-19 and 24-29 are patentable at least by virtue of their dependency and the additional features recited therein.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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